

Daniel Town Council Minutes
Monday, January 4, 2016
Wasatch County Services Building, Room 126
55 South 500 East, Heber City, UT

Quorum present: Council members Glodowski and Blotter were present when Pro Tem Mayor Bunker called the meeting to order at 6:06 p.m. Mayor Turner was excused and Council member Bateman was absent. Treasurer Sherri Price was present as was Lynne Shindurling to record the minutes.

Members of the public in attendance were: Shelly Bunker, Jaq Shindurling, Derek Gressmen, Pam Skinner, Tom Rawlings, Bart Wilde, Kim Norris, and Ryan Taylor.

1) SWEARING IN OF NEW TOWN COUNCIL MEMBERS

Recorder Lynne Shindurling administered the oath of office to Council members Bunker and Blotter. Each stated their conflict of interest statements have been previously submitted to the Town of Daniel.

3) BUSINESS LICENSE APPLICATIONS

Council member Bunker stated there were no new applications filed and no renewals had been received.

Clerk Shindurling reminded Mr. Bunker he had skipped item #2 on the agenda.

2) PUBLIC COMMENT CONCERNING ANY ISSUE NOT ON THE AGENDA

Council member Blotter stated his concerns would be addressed in agenda item #6.

4) ADOPTION OF RESOLUTION CONCERNING SECTION 8.32 OF DANIEL CODE, INCLUDING NEW ROAD STANDARD

Clerk Shindurling requested the Council move to agenda item #5(a) dealing with the Planning Commissioner appointment.

Pro Tem Mayor Bunker read Daniel Resolution DR-2016-01-04A into the record. ***Council member Blotter moved to approve and adopt the resolution, which was seconded by Council member Glodowski. With no discussion forthcoming, the motion passed unanimously and the Council thanked Ms. Skinner and the others who were in attendance for their continued service.***

Turning everyone's attention back to agenda item #4, Pro Tem Mayor Bunker opened the discussion to Daniel Resolution DR-2016-01-04B. Council member Blotter clarified that the

new road standard deals with a new unpaved road surface and has nothing to do with flag lots, per se. Mr. Blotter then inquired whether such new roads would be private or belong to the Town. Council member Bunker stated at the time of construction the road would most likely be private, but the Town could assume control later on if it proved to benefit the Town because it was a connector road. Discussion ensued on whether a rotomilled road could be plowed efficiently, and the consensus is at first some small rocks may surface, but over time with continued use the smoother the surface becomes. An example of this is 600 East within the Town of Daniel.

Council member Bunker suggested a change on page 3 dealing with the commencement date for winter season to begin on October 15th, which would align with the State documents. Ryan Taylor concurred with the change. Council member Bunker then inquired about the planner's role in the engineering section of the Code, 8.32, and would like an addition made on the first page under 8.32.01, Creation of Department, to read: "There is hereby created a department of engineering. The department shall consist of one engineering coordinator and planner and other such employees as necessary to fulfill...." The Clerk will substitute the Section 8.32 of the current Daniel Municipal Code as the most current version. Council member Bunker also noted that the width of the sidewalks in the Code is four feet (4').

At this point Council member Bunker read the resolution DR-2016-01-04B into the record. ***Council member Glodowski moved to adopt the resolution, seconded by Council member Blotter. The motion passed with unanimous "aye" votes.***

5) PLANNING DEPARTMENT REPORT

a) RESOLUTION FOR APPOINTMENT OF PLANNING COMMISSION MEMBERS AND DISCUSSION OF ATTENDING TRAINING SESSION SPONSORED BY ULCT.

The resolution has passed as cited above, and the clerk stated Pam Skinner and Jaye Binkerd are registered for the elected officials training on January 23, 2016 in Provo. Other officials were invited to register.

(Item #6 code violations also addressed here.)

Director Bunker presented the Council with his Planning Report for the month of December, which included a copy of a complaint letter received from Mary Wynne who resides on Big Hollow Road. Mr. Bunker has investigated the property in question and found no code violations.

Because of several verbal complaints regarding 3000 South becoming an industrial-looking thoroughfare, a remedy may be to revisit allowing home-based businesses within the Town, or clarifying acceptable uses under that category of business. Perhaps a conditional use for each business could be considered, which would then be monitored for violations. The only visual restriction in the Code dealing with the aesthetics on a property is a height restriction of

30 to 35 feet in the RA5 zone. All other factors are acceptable unless they fall within the nuisance category dealing with dust, noise, smoke, and odor, as discussed in the previous Council meeting.

At this point Shelly Bunker reminded the Council of one reason the Town was incorporated, to get away from the county and Heber City rules and regulations. She feels the townspeople have a right to have the equipment and vehicles on their individual properties as it is their property. Many home businesses have licensed at their home to save money. With no CC&Rs in place within the Town as a Town, people need to get along with their neighbors and accept their choice of use for their property. Council member Bunker replied the government agency exists to protect an individual's rights and make sure no one else is encroaching on their Bill of Rights. Council member Blotter agrees as far as individual rights but understands the complaints of some who perceive the appearance of an industrial zone within the RA5 zoning, residential agriculture 5 acres.

Council member Blotter asked that the Planning Commission look into the uses for home businesses licensed within the RA5 zone. If an excessive number of trucks exists, perhaps that needs to become a conditional use. Jaq Shindurling stated if someone drives a semi in a courteous manner, the neighbors have less to complain about than if a piece of equipment is driven so as to disrupt the neighborhood.

Kim Norris commented some of the complaints are coming outside of the Town of Daniel from Heber City and others. For instance, up on the east bench of the valley the dust from Delta Stone can be easily seen and there is no requirement to keep it at bay. Mr. Norris commented when the public's health becomes an issue, it has got to override some of the activities happening within the county. Council member Bunker stated as long as the jurisdiction is the county court system, there will not be a fix for some of the issues. A matter would have to be heard in the federal court system.

Another item on the Planning Report is an addition to a trailer in the trailer court at 3000 South and Daniels Road. A stop order is in place but the tenant has not obtained a building permit, so the only recourse is to notify the landlord and have the addition removed.

The Council asked Director Bunker to respond to Mary Wynne's letter. She notes she moved to Daniel from Park City, and Tom Rawlings brought up the point that Daniel is not Park City, and some residents moving into Daniel from there are not used to the properties' appearance. Many people enjoy living in Daniel because they love the outdoors and wildlife sightings.

Council member Bunker reported additional weeds have been added to the state's list of noxious weeds, and it is anticipated this will have an impact on all municipalities within the valley. He stated the Town will have to do more weed spraying in the rights-of-way throughout Daniel and by the water tank, at a greater expense to Daniel. Mr. Bunker produced an email

containing new rules the State has passed which became effective at the beginning of 2016. He will provide it to the council members.

b) CONTINUED DISCUSSION ON FLAGLOT PROVISION IN DANIEL CODE

Council member Bunker stated since there are no updates today, he would like to continue the discussion. ***Council member Blotter moved to continue the discussion on flag lots, which was seconded by Council member Glodowski. The motion passed unanimously.***

c) CONTINUED DISCUSSION ON US-189 CORRIDOR FROM SR-113 TO US-40.

Council member Bunker reported he has had no communication on the corridor preservation and the mayor of Charleston does not want to lock in the intersection configuration. Mr. Bunker attended Charleston's public hearing on the Mike Petersen complex on the corner of 3000 South and Highway 189, where Charleston has allowed him to segregate the storage units off the office complex and sell it as a separate business. He has a similar complex in mind in Daniel on Highway 40, but Daniel will not allow him to sell the storage units. He has, however, received preliminary approval for the complex.

Council member Bunker attended a meeting on the UDOT Highway 40 agreement which identified where semaphores are to exist in the future. Independence Town was not in attendance but needs to participate as the agreement moves forward.

6) REPORT ON CODE VIOLATIONS – MAYOR TURNER RECEIVED 2 MORE COMPLAINTS OF PERCEIVED INDUSTRIAL BUSINESS OPERATIONS IN RA5 ZONE – WHEN WILL ACTION BE TAKEN?

No further discussion or public comments from those above.

7) DANIEL MUNICIPAL WATER ISSUES AS NECESSARY

Kim Norris reported the Master Meter software was installed and bugs are being worked out, but for the most part it is working well.

8) STORM HAVEN WATER MATTERS AS NECESSARY

A questionable finding was reported from the Utah State Lab during the month of December, and Gary Walton has sent in new samples to clear up the issue. Samples were tested at the Jordanelle testing lab in order to get the results quickly. Rachael Cassidy at the Division of Drinking Water Office has been informed of the testing issue and is working with Mr. Walton to come to a conclusion.

Kim Norris reported even with the cold temperatures there has not been a freezing of lines reported to him.

Council member Bunker produced a note from a Storm Haven water customer wanting more information on the bills showing the usage and asking why, with the increase in water rates, his amount of water has not been increased and will help clarify the complaint. Council member Blotter inquired if the usage history is available and could be included on the statements.

Kim Norris would like the Council to get with Chris Anderson, the Town's IT person, and lay out for him what they want to see on the bills. He feels there is some confusion on Mr. Anderson's end regarding what is to be included on the billings. Council member Bunker asked if a water meeting should be held with all concerned to lay out the expectations. Council member Blotter would like more information included on the statements if it can be provided. Council member Bunker asked if the Council would like him to respond to the inquirer. Kim Norris replied perhaps Mr. Bunker could train Kathy-Jo Percy, the new water secretary, how to respond to such letters. In the end, the Council instructed Council member Bunker to compose and send a response letter to Mr. Sperry.

9) APPROVAL OF COUNCIL MEETING MINUTES OF DECEMBER 7, 2015

Council member Bunker suggested a change in wording on page 6 of the minutes, third complete paragraph, where he had attended a meeting with Heber City Planning.

Council member Blotter moved to approve the minutes, which was seconded by Council member Glodowski. The motion passed unanimously with "aye" votes.

10) RECORDER'S OFFICE: WARRANT APPROVAL, FY 2015-16 BUDGET UPDATE, ANNOUNCEMENTS, ETC.

The clerk presented the warrants for Daniel Town and the two water companies. She mentioned making purchases using the Town credit card. Because Council member Bunker makes occasional purchases, he requests the Council to approve obtaining a card in his name. This affords him the ability to acquire materials with the sales tax exemption. ***Council member Bunker moved for the Town to acquire a third credit card in his name to facilitate Town purchases, which was seconded by Council member Blotter. The motion passed unanimously.***

Council member Bunker mentioned he has purchased a new video camera for use in recording meetings with a faster download. Beginning with this meeting, he is planning to post the recordings on a YouTube account for viewing by the public. A CD will be maintained also in the Town records.

Ms. Shindurling reviewed with the Council an Epic Engineering invoice and warrant to obtain reimbursement for the first installment of the Division of Drinking Water grant. Once the study is completed, a copy will be sent to DDW along with a second invoice for reimbursement.

The monthly billing from Wasatch County for snow removal was discussed, and the quarterly invoice from Blue Stakes. It was decided the Town will pay the annual dues of \$50 to Blue Stakes, and the remaining \$35.98 will be paid out of the Storm Haven account, as most of the work through the fall months was dealing with the meter replacement there.

Upon reviewing the two Heber Light & Power bills for Storm Haven for the month, Ryan Taylor suggested cancelling the billing for \$13.11 which is a meter no longer in use. The clerk will contact the power company to do so.

Discussion of the invoice from MMI Meter Maintenance led the council to approve payment to them as the State would not accept their work in the CDBG grant. Because there are a few additional invoices to be paid on the Storm Haven work, the entirety of the grant monies will go toward payment of contractor expenses and the Town, through Storm Haven receivables, will make final payments to finish the work.

Council member Blotter then moved to approve the warrants, seconded by Council member Glodowski. With no further discussion, the motion passed unanimously.

(At this point a break in the proceedings took place.)

Next, Clerk Shindurling reviewed with the Council the second quarter budget update for FY 2015-16. On the Town General account, she mentioned invitations for bid on roadwork are published, and Ryan Taylor has had some response for chip sealing.

Ms. Shindurling mentioned at the next meeting she hopes to have a complete accounting for the upgrades in the Storm Haven area and a breakdown of use of CDBG monies and Storm Haven monies expended for the project.

11) ADJOURN

Council member Blotter moved to adjourn the meeting. The motion was seconded by Council member Glodowski and the motion passed unanimously. Pro Tem Mayor Bunker adjourned the meeting at 8:05 PM.

Lynne Shindurling
Clerk/Recorder